

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TUTOR-SALIBA/KOCH,

Plaintiff,

v.

M/V PACIFIC HIGHWAY,

Defendants.

No. 04-04561 WHA (EDL)

**ORDER GRANTING APPLICATION TO
APPEAR TELEPHONICALLY**

On August 22, 2005, Mr. Tutor filed a request to appear telephonically at the settlement conference set for August 24, 2005 at 9:00 a.m. The Court is disturbed by this last minute request to excuse an appearance which the Court specifically ordered weeks earlier, on July 5, 2005. Nonetheless, upon hearing Plaintiff's explanation and understanding that Mr. Tutor's unavailability was not a deliberate flouting of the Court's order, the Court reluctantly GRANTS Plaintiff's Request, subject to the following caution. The Court has granted this request only based on the representation that Mr. Tutor will be able to meaningfully participate in the settlement conference by phone and on condition that, if a further settlement conference is required, Mr. Tutor will appear personally.

Mr. Tutor shall stand by beginning at the date and time above until called by the Court, until such time, however long, the Court informs him he need no longer stand by.

IT IS SO ORDERED.

Dated: August 23, 2005


ELIZABETH D. LAPORTE
United States Magistrate Judge